

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HEALTH CARE SERVICES CORPORATION,

Plaintiff

vs.

Case No. 09-cv-1213 ACT/LFG

**SOUTHWEST TRANE, and
PETERSON WATER TREATMENT,**

Defendants.

SOUTHWEST TRANE, INC.'S WITNESS LIST

Defendant Southwest Trane ("Trane"), through undersigned counsel, files its witness list.

PRESIDING JUDGE The Honorable Alan C. Torgerson	PLAINTIFF'S ATTORNEY Dart Winkler, et al.	DEFENDANTS' ATTORNEY S. Barry Paisner - Trane Dan Lewis, et al. - Peterson Water
TRIAL DATE 2/7/11	COURT REPORTER	COURTROOM DEPUTY

PLF NO.	DEF NO.	DATE OFFERED	MARKED	ADMITTED
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DESCRIPTION OF WITNESSES

WILL CALL: **Brian Garton.** Mr. Garton is expected to testify in person. Southwest Trane's Service Manager, who was in charge of servicing the equipment at issue. Mr. Garton will testify regarding the exclusion in the service agreement.

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DESCRIPTION OF WITNESSES

Mr. Garton will testify as to his service of the equipment at issue. Mr. Garton will testify as to why the exclusion was put in the contract and that the damage to the system was the expected result of the Dolphin non-chemical water treatment. Mr. Garton will also testify as to who was responsible for maintaining the Dolphin and related issues. Mr. Garton will testify as to the requirements to become a Trane subcontractor. Mr. Garton will testify as to why Peterson Water Treatment was not Trane's subcontractor. Mr. Garton will testify as to the state of the RTUS after the acid cleaning.

WILL CALL: Eric Webster. Mr. Webster is expected to testify in person. Mr. Webster was the Sales Representative who was in charge of the HCSC/Blue Cross-Blue Shield contract. He will testify regarding his course of dealing with HSC. He will further testify that HCSC rejected Southwest Trane's proposals to acid clean the RTUs at issue. Mr. Webster will further testify regarding how Trane contracts with subcontractors. Mr. Webster will testify as to why Peterson was not Trane's subcontractor. He will testify regarding the state of the RTUs after the acid cleaning.

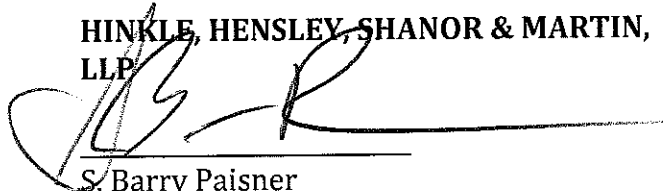
WILL CALL. Edwin Wales. Mr. Wales is the facility representative for the BCBS Building at issue. Mr. Wales is a "hostile" witness being called in Trane's case-in-chief. Mr. Wales is expected to testify consistent with his deposition.

WILL CALL: Robert Becker. Mr. Becker is expected to testify in person. Mr. Becker is a Southwest Trane service technician. Mr. Becker will testify regarding his knowledge of the acid cleaning. This will include what he knew about the project prior to its beginning. Mr. Becker will testify regarding his findings after the acid cleaning had proceeded.

PLF NO.	DEF NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF WITNESSES
					WILL CALL: Richard Tonda, Ph.D , Dr. Tonda is expected to testify in person. Dr. Tonda will provide expert testimony regarding the cause of the RTUs failure. Dr. Tonda will testify consistent with his report and deposition.
					MAY CALL: All witnesses identified in Plaintiff and Co-Defendant's witness lists.
					MAY CALL: All witnesses needed to authenticate documents.

Respectfully submitted,

**HINKLE, HENSLEY, SHANOR & MARTIN,
LLP**



S. Barry Paisner
Jaclyn M. McLean
P O Box 2068
Santa Fe, NM 87504-2068
Telephone: 505-982-4554
Facsimile: 505-982-8623
Email: bpaisner@hinklelawfirm.com
Attorneys for Southwest Trane, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 31st day of January, 2011 the foregoing pleading was filed electronically through the CM/ECF system, serving the following parties or counsel by electronic means as more fully reflected on the Notice of Electronic Filing:

Dart M Winkler
dwinkler@yateslawfirmllc.com
Attorneys for Plaintiff

Joseph B. Wosick
jwosick@ylawfirm.com
Attorneys for Plaintiff

April D. White
awhite@ylawfirm.com
Attorneys for Plaintiff

Daniel W. Lewis
dlewis@allenlawnm.com
Attorneys for Peterson Water Treatment

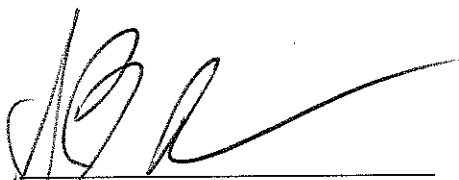
Scott P. Hatcher
shatcher@hatchertebo.com
Counsel for Intervenor American Hallmark Insurance Company

Russell E Yates
ryates@yateslawfirmllc.com
Attorneys for Plaintiff

Matthew S. Mersfelder, Esq.
mmersfelder@yateslawfirmllc.com
Attorneys for Plaintiff

Charles J. Noya
cnoyalaw@gmail.com
Attorneys for Peterson Water Treatment

Christopher P Winters
cwinters@allenlawnm.com
Attorneys for Peterson Water Treatment


S. Barry Paisner